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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,674	03/07/2002	Stephen C. Larson	1080 001 301 0202	3784
37211 7590 11/02/2007 BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			EXAMINER NGUYEN, CHAU T	
			ART UNIT 2176	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/092,674

Applicant(s)

LARSON, STEPHEN C.

Examiner

Chau Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Applicant's submission filed on 08/16/2007 has been entered. Claims 1-12 and 21-23 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (Brown), US Patent No. 6,931,591, Hu et al. (Hu), US Patent No. 6,275,309, and further in view of Angiulo et al. (Angiulo), US Patent No. 6,275,829.

4. As to independent claim 1, Brown discloses an on-line-newspaper publishing system for preparation of one or more publications for on-line viewing, including:

a networked host server (col. 3, lines 50-67 and figure 1: server 110 connected to client 112 via Internet network 114);

a composition computer connected to said host server (col. 3, lines 50-67 and figure 1: server 110 connected to client 112 (composition computer) via Internet network 114);

an image database, associated with the host server and accessible by the composition computer (col. 4, line 40 – col. 5, line 41: the system server stores various manufacturers' advertising materials, which can be accessed by end-user of client 112);

at least one layout template, the template defining at least a region on a web page for the display of a preview image of a display advertisement (col. 5, lines 4-41: the template has particular regions for different parts of the advertisement);

said composition computer producing browser-readable code representing a web page (col. 8, line 54 – col. 9, line 6: the end-user has access to creating advertisements, and once a template is chosen, the composition interface is initiated by the web browser which receives all of its client side code by requesting it from the server, and once the client code is loaded, the server is instructed to load the template chosen and then is displayed within the browser).

However, Brown does not explicitly disclose article content of a paper-based publication to be converted for publication in a digital edition hosted on the networked host server.

Hu discloses optical scanners convert paper-based objects, such as texts and graphics, to an electronic format that can be analyzed, distributed and archived, and the electronic format can be used for building World Wide Web pages (col. 1, lines 14-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hu and Brown to include article content of a paper-based publication to be converted for publication in a digital edition hosted on the networked host server for the purpose of storing and retrieving the printed

articles efficiently and providing a way for their readers to efficiently access and handle printed information through the power of the Internet.

However, Brown and Hu do not explicitly disclose said composition computer producing image files, the image files including images of full-size display advertisements and corresponding reduced-size, anti-aliased preview images, said full-size display advertisements and corresponding reduced-size, anti-aliased preview images being stored in said image database; and the web page comprising at least one link to the full-size display advertisement image file that is also stored in the database, wherein the link is provided by a corresponding reduced-size, anti-aliased preview image.

Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed (Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41). Angiulo further discloses the full size image is stored in a directory on hard drive of the server or it can be stored on other computers accessible from the server on which it will be accessed (col. 9, lines 5-27). Angiulo further discloses after the thumbnail image is produced, determining a location to save the thumbnail image (col. 11, lines 15-16). Thus one of ordinary skill in the art would acknowledge that the location to save the thumbnail image can be on any computer on which it will be accessed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo with Brown and Hu to include producing image files, the image files including images of full-size display advertisements and corresponding reduced-size, anti-aliased preview images, said full-size display advertisements and corresponding reduced-size, anti-aliased preview images being stored in said image database; and the web page comprising at least one link to the full-size display advertisement image file that is also stored in the database, wherein the link is provided by a corresponding reduced-size, anti-aliased preview image. Since the reduction in the size of an image included in a Web page tends to cause a corresponding decrease in the amount of data that must be downloaded by the user for viewing the image, thus Web pages that display thumbnail images instead of full size images download more quickly and still communicate the intended expression to the user.

5. As to dependent claim 2, Brown, Hu and Angiulo (Brown-Hu-Angiulo) disclose wherein the preview images are automatically produced from the full-size image files (Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited (Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo with Brown and Hu to include

the preview images are automatically produced from the full-size image files. Since the reduction in the size of an image included in a Web page tends to cause a corresponding decrease in the amount of data that must be downloaded by the user for viewing the image, thus Web pages that display thumbnail images instead of full size images download more quickly and still communicate the intended expression to the user.)

6. As to dependent claim 3, Brown-Hu-Angiulo disclose wherein the preview images are produced in accordance with at least one predetermined size requirement (Angiulo, col. 10, lines 37-64: the dimensions of the original are compared to a predetermined set of dimensions that represent a minimum size for producing a thumbnail image).

7. As to dependent claim 4, Brown-Hu-Angiulo disclose wherein the predetermined size requirement is defined by a region on a web page for the display of a preview image of a display advertisement as dictated by the at least one layout template (Brown, col. 5, lines 4-41: the template is a pre-determined template that would meet the specific standard and guidelines).

8. As to dependent claim 5, Brown-Hu-Angiulo disclose wherein the preview images are spatially associated with content in the web page (Brown, col. 5, lines 4-41: the template has particular regions for different parts of the advertisement such as headline

region, image region, business region... and populate a given region with the given content such as the content choices would range from picking the correct font and point size of text to cropping particular pictures and images to go with the particular advertisement).

9. As to dependent claim 6, Brown-Hu-Angiulo disclose wherein the database stores the full-size display advertisements and corresponding reduced-size, anti-aliased preview images, and where the layout template operates in conjunction with the database to enable the preview images to be periodically moved relative to one another on the web page (Angiulo, Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41, col. 10, line 65 – col. 11, line 19: Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed).

10. As to dependent claim 7, Brown-Hu-Angiulo disclose wherein the location of the preview images is determined as a function of the category of the web page (Brown, col. 5, lines 4-41: the template has particular regions for different parts of the advertisement such as headline region, the image region and the business region).

11. As to dependent claim 8, Brown-Hu-Angiulo disclose wherein the content is archival content and wherein the image files, including images of full-size display advertisements and corresponding reduced-size preview images, are current advertisements (Brown, col. 4, lines 40-54: the system server stores the various manufacturer's advertising materials; Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited (Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41)).

12. Claims 9-12 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al. (Angiulo), US Patent No. 6,275,829 and further in view of Hu et al. (Hu), US Patent No. 6,275,309.

13. As to independent claims 9, 21-22, Angiulo discloses a method of preparing an on-line news publication via an electronic publishing system in a computer, the method including:

creating a reduced-size preview image of the advertiser's digital copy using a digital computer to perform an image size reduction operation that includes an anti-aliasing filter, wherein at least one dimension of the reduced-size preview image is determined in accordance with a predetermined size (Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41: Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image

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is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed. Angiulo also discloses in col. 10, lines 37-64: the dimensions of the original are compared to a predetermined set of dimensions that represent a minimum size for producing a thumbnail image);

associating text-based content with the preview image in a web page, wherein the preview image also provides a hyperlink, as a selectable object that is linked to a full-size image of the advertiser content (Abstract, col. 11, lines 20-35); and

publishing the web page, wherein the text-based content, the anti-aliased preview image and the full-size image are all stored on a host server (Abstract, col. 11, lines 65).

However, Angiulo does not explicitly disclose collecting advertiser copy from a paper-based print media source and converting for publication in a digital edition.

Hu discloses optical scanners convert paper-based objects, such as texts and graphics, to an electronic format that can be analyzed, distributed and archived, and the electronic format can be used for building World Wide Web pages (col. 1, lines 14-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hu and Angiulo to include article content of a paper-based publication to be converted for publication in a digital edition hosted on the networked host server for the purpose of storing and retrieving the printed

articles efficiently and providing a way for their readers to efficiently access and handle printed information through the power of the Internet.

14. As to dependent claim 10, Angiulo-Hu disclose digitizing the advertiser hard copy from a print media source to create the advertiser digital copy as a digital image (Hu discloses optical scanners convert paper-based objects, such as texts and graphics, to an electronic format that can be analyzed, distributed and archived, and the electronic format can be used for building World Wide Web pages (col. 1, lines 14-27)).

15. As to dependent claim 11, Angiulo-Hu disclose wherein digitizing the advertiser hard copy creates a digital image in a graphics interchange file format (.gif) (Angiulo, col. 10, lines 37-64).

16. As to dependent claims 12 and 23, Angiulo-Hu disclose wherein creating a reduced-size preview image includes retaining the aspect ratios of the digital copy so as to facilitate the placement of dissimilarly sized advertisements in locations having a common dimensional limitation (Angiulo, Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41: Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is

retrieved and displayed. Angiulo also discloses in col. 10, lines 37-64: the dimensions of the original are compared to a predetermined set of dimensions that represent a minimum size for producing a thumbnail image).

Response to Arguments

In the remarks, Applicant(s) argued in substance that

A) Brown reference is directed to templates for creation of advertisements, not for the layout of article content and display advertisement (see page 7 of Remarks).

In reply to argument A, Brown discloses publishing layout wizard (Title) for composing and publishing advertisement, and the publishing concept may be applied to publications such as advertisements, web pages, brochures, signs, posters, etc., which one party may wish to facilitate and control the scope and manner of the use of its contents for such publications.

B) Brown does not teach full or reduced size images of the display advertisements (see page 7 of Remarks).

In reply to argument B, applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the examiner uses Angiulo reference to reject the limitation "full and reduced size images of the display advertisements. Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a

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Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed (Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41).

C) Hu does not teach article content of a paper-based publication to be converted for publication in a digital edition (see page 7 of Remarks).

Hu discloses optical scanners convert paper-based objects, such as texts and graphics, to an electronic format that can be analyzed, distributed and archived, and the electronic format can be used for building World Wide Web pages (col. 1, lines 14-27).

D) "Where is it suggested in Hu and Brown, or other than the present application, that it is desirable to convert the content of a paper-based publication for publication in a digital edition? Applicant respectfully urges that such a basis is hindsight reconstruction as that suggestion is found in the instant application (see page 9 of Remarks).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, Hu discloses optical scanners convert paper-based objects, such as texts and graphics, to

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an electronic format that can be analyzed, distributed and archived, and the electronic format can be used for building World Wide Web pages (col. 1, lines 14-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hu and Brown to include article content of a paper-based publication to be converted for publication in a digital edition hosted on the networked host server for the purpose of storing and retrieving the printed articles efficiently and providing a way for their readers to efficiently access and handle printed information through the power of the Internet. Also, applying a known technique of converting the content of a paper-based publication for publication in a digital edition would have been obvious because the substitution of paper-based publication for publication in a digital edition would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

E) Angiulo does not teach images files including images of full-size display advertisements and corresponding reduced-size, anti-aliased preview images, said full-size display advertisements and corresponding reduced-size, anti-aliased preview images being stored in said image database.

In reply to argument E, Angiulo discloses an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed (Abstract, Fig. 2, and col. 5,

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line 61 – col. 6, line 41). Angiulo further discloses the full size image is stored in a directory on hard drive of the server or it can be stored on other computers accessible from the server on which it will be accessed (col. 9, lines 5-27). Angiulo further discloses after the thumbnail image is produced, determining a location to save the thumbnail image (col. 11, lines 15-16). Thus one of ordinary skill in the art would acknowledge that the location to save the thumbnail image can be on any computer on which it will be accessed.

F) Angiulo fails to teach creating a reduced-size preview image of the advertiser digital copy using a digital computer to perform an image size reduction operation that includes an anti-aliasing filter, wherein at least one dimension of the reduced-size preview image is determined in accordance with a predetermined size (see page 9 of Remarks).

In reply to argument F, Angiulo discloses in Abstract, Fig. 2, and col. 5, line 61 – col. 6, line 41: an original (full size) image is automatically represented by a thumbnail (reduced size) image on a Web page, the thumbnail image is produced and placed into a Web page that is being created and edited, and while viewing the Web page, selection of the thumbnail image causes a hyperlink to the original image that is automatically associated with the thumbnail image, so that the original image is retrieved and displayed. Angiulo also discloses in col. 10, lines 37-64: the dimensions of the original are compared to a predetermined set of dimensions that represent a minimum size for producing a thumbnail image);

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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